

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

3:10cv27

ANTHONY SCOTT HYMAN,  
for BARBARA ANN HYMAN,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner of  
Social Security,

Defendants.

ORDER

This matter is before the court upon the memorandum and recommendation of United States Magistrate David C. Keesler, filed March 24, 2011. The parties were advised that pursuant to 28 U.S.C. § 636(b)(1)(C), written objections to the memorandum and recommendation must be filed within 14 days after service of the memorandum. The Plaintiff timely filed an objection to the memorandum and recommendation on April 5, 2011, and the Defendant submitted a response to the objection on April 18, 2011.

After an independent and thorough review of the magistrate's memorandum, Plaintiff's objections thereto, and a de novo review of the record, the court concludes that the recommendation to grant Defendant's Motion for Judgment on the Pleadings and to deny Plaintiff's Motion for Summary Judgment is correct and in accordance with law. Accordingly, the findings and conclusions of the magistrate are accepted and Defendant's Motion for Judgment on the Pleadings is GRANTED.

IT IS THEREFORE ORDERED that the memorandum and recommendation of the magistrate is hereby AFFIRMED.

Signed: July 28, 2011

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

